

2/23/98
1:50 PM
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Newark, New Jersey 07101-3174
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Attorneys for Plaintiff Walsh Securities, Inc.

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FILED

FEB 23 1998

AT 8:30
WILLIAM T. WALSH
CLERK

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WALSH SECURITIES, INC.,

Plaintiff,

v.

**CRISTO PROPERTY MANAGEMENT,
LTD., A/K/A G.J.L. LIMITED, DEK
HOMES OF NEW JERSEY, INC.,
OAKWOOD PROPERTIES INC.,
NATIONAL HOME FUNDING, INC.,
CAPITAL ASSETS PROPERTY
MANAGEMENT & INVESTMENT CO.,
INC., CAPITAL ASSETS PROPERTY
MANAGEMENT, L.L.C., WILLIAM J.
KANE, GARY GRIESER, ROBERT
SKOWRENSKI, II, JAMES BROWN,
JAMES DIBENEDETTO, JAMES R.
BROWN, THOMAS BRODO, ROLAND J.
PIERSON, STANLEY YACKER, ESQ.,
MICHAEL ALFIERI, ESQ., JAMES
PEPSNY, ESQ., ANTHONY M.
CICALESE, ESQ., LAWRENCE M.
CUZZI, ANTHONY D'APOLITO, DAP
CONSULTING, INC., COMMONWEALTH
LAND TITLE INSURANCE COMPANY,
NATIONS TITLE INSURANCE OF NEW
YORK INC., FIDELITY NATIONAL
TITLE INSURANCE COMPANY OF NEW
YORK, and COASTAL TITLE AGENCY,**

Defendants.

Civil Action No. CV 97-3496 (WGB)

Hon. William G. Bassler

**ANSWER AND AFFIRMATIVE
DEFENSES TO THE COUNTERCLAIM
OF DEFENDANT JAMES BROWN**

ANSWER TO DEFENDANT'S COUNTERCLAIM

Plaintiff, Walsh Securities, Inc. ("Walsh"), having its principal place of business at 4 Campus Drive, Parsippany, New Jersey, by way of answer to the Counterclaim of Defendant James Brown ("Brown"), says:

1. This paragraph states legal conclusions to which no response is required.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied as to Walsh but admitted as to the defendants.
6. Admitted.
7. Denied as to Walsh, and denied as to Brown. The remaining allegations are admitted.

COUNT ONE

8. Denied as to Walsh, and denied as to Brown. The remaining allegations are admitted.
9. Denied.

WHEREFORE, Walsh Securities, Inc. demands judgment dismissing Count One of the Counterclaim of Defendant James Brown.

COUNT TWO

10. Walsh repeats each and every answer to the allegations contained in Paragraphs 1 through 9 above as if set forth fully herein.

11. Denied as to Walsh. The remaining allegations are admitted.
12. Denied.

WHEREFORE, Walsh Securities, Inc. demands judgment dismissing Count Two of the Counterclaim of Defendant James Brown.

COUNT THREE

13. Walsh repeats each and every answer to the allegations contained in Paragraphs 1 through 12 above as if set forth fully herein.

14. Denied as to Walsh. After reasonable investigation, Walsh does not have knowledge regarding the remaining allegations and leaves Defendant Brown to his proofs.

15. After reasonable investigation, Walsh does not have knowledge as to defendant Brown's beliefs and leaves defendant Brown to his proofs.

16. Denied as to Walsh.

WHEREFORE, Walsh Securities, Inc. demands judgment dismissing Count Three of the Counterclaim of Defendant James Brown.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Each and every Count of Defendant's Counterclaim fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Insofar as Defendant purports to state claims for misrepresentation and fraud, the allegations in Defendant's Counterclaims lack the particularity required by Fed. R. Civ. P. 9(b).

THIRD AFFIRMATIVE DEFENSE

Defendants' Counterclaims are barred, in whole or in part, by the applicable statutes of limitations.

FOURTH AFFIRMATIVE DEFENSE

Defendants' Counterclaims are barred, in whole or in part, by the equitable doctrine of laches.

FIFTH AFFIRMATIVE DEFENSE

Defendants' Counterclaims are barred, in whole or in part, by the equitable doctrine of waiver.

SIXTH AFFIRMATIVE DEFENSE

Defendants' Counterclaims are barred, in whole or in part, by the equitable doctrine of estoppel.

SEVENTH AFFIRMATIVE DEFENSE

Defendants' Counterclaims are barred, in whole or in part, by the equitable doctrine of unclean hands.

EIGHTH AFFIRMATIVE DEFENSE

Defendant has no authority or standing to bring this suit.

NINTH AFFIRMATIVE DEFENSE

To the extent that Defendant has sustained any injuries, such injuries, if any, were caused, in whole or in part, by the acts or omissions of others for whose conduct Walsh is not responsible.

TENTH AFFIRMATIVE DEFENSE

Walsh had no knowledge of, and was not a culpable participant in, any violations of any laws.

ELEVENTH AFFIRMATIVE DEFENSE

Walsh acted in good faith and did not directly or indirectly induce the act or acts complained of by the Defendant.

TWELFTH AFFIRMATIVE DEFENSE

Walsh violated no legal duty owed to Defendant.

THIRTEENTH AFFIRMATIVE DEFENSE

Walsh's conduct is not the cause of any injury or damages allegedly suffered by Defendant.

FOURTEENTH AFFIRMATIVE DEFENSE

Defendant was contributorily negligent, and such negligence was the proximate, efficient, and contributing cause of his damages.

FIFTEENTH AFFIRMATIVE DEFENSE

Walsh hereby gives notice that it intends to rely upon any other defense that may become available or appear during the discovery proceedings in this case and hereby reserves its right to amend its answer to assert other related defenses as may become available.

WHEREFORE, Plaintiff Walsh Securities, Inc. seeks judgment dismissing the counterclaim of defendant James Brown, against Walsh and for interest, costs, attorney fees and other relief this Court deems to be just and equitable.

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Telecopy (201) 639-7298
ATTORNEYS FOR PLAINTIFF WALSH
SECURITIES, INC.

By: _____

Michael Chertoff

Dated: February 23, 1998

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WALSH SECURITIES, INC.,

Plaintiff,

v.

CRISTO PROPERTY MANAGEMENT, LTD.,
A/K/A G.J.L. LIMITED, DEK HOMES OF
NEW JERSEY, INC., OAKWOOD
PROPERTIES INC., NATIONAL HOME
FUNDING, INC., CAPITAL ASSETS
PROPERTY MANAGEMENT &
INVESTMENT CO., INC., CAPITAL ASSETS
PROPERTY MANAGEMENT, L.L.C.,
WILLIAM J. KANE, GARY GRIESER,
ROBERT SKOWRENSKI, II, RICHARD
CALANNI, RICHARD DIBENEDETTO,
JAMES R. BROWN, THOMAS BRODO,
RONALD J. PIERSON, STANLEY YACKER,
ESQ., MICHAEL ALFIERI, ESQ., RICHARD
PEPSNY, ESQ., ANTHONY M. CICALESSE,
ESQ., LAWRENCE M. CUZZI, ANTHONY
D'APOLITO, DAP CONSULTING, INC.,
COMMONWEALTH LAND TITLE
INSURANCE COMPANY, NATIONS TITLE
INSURANCE OF NEW YORK INC.,
FIDELITY NATIONAL TITLE INSURANCE
COMPANY OF NEW YORK, and COASTAL
TITLE AGENCY,

Defendants.

Civil Action No. CV 97-3496 (WGB)

Hon. William G. Bassler

**SUMMONS IN A CIVIL ACTION
ON ~~SECOND~~ AMENDED COMPLAINT**

To: Lawrence J. Cuzzi

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon Plaintiff's Attorney:

Michael Chertoff
LATHAM & WATKINS
One Newark Center, 16th Floor
Newark, New Jersey 07101

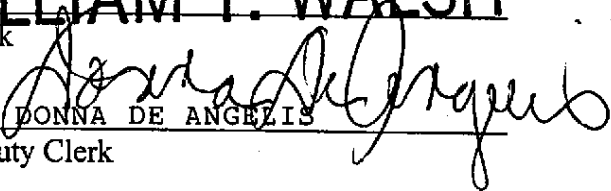
an answer to the second amended complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the amended complaint.

WILLIAM T. WALSH

Clerk

2/26/98

Date


DONNA DE ANGELOIS

Deputy Clerk

RETURN OF SERVICE

Service of the Summons and Second Amended Complaint was made by me	Date		
NAME OF SERVER (Print)	Title		
Check one line below to indicate appropriate method of service			
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____			
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.			
<input type="checkbox"/> Returned unexecuted: _____ _____ _____			
Other (specify): _____ _____ _____			
STATEMENT OF SERVICE FEES			
Travel	<table border="1"> <tr> <td>Services</td> <td>Total</td> </tr> </table>	Services	Total
Services	Total		
DECLARATION OF SERVER			

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server